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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/446,128	09/26/2001	Sarolf Sauer	A-6865	1832
25269	7590	06/11/2004		EXAMINER
DYKEMA GOSSETT PLLC				VINCENT, SEAN E
FRANKLIN SQUARE, THIRD FLOOR WEST				
1300 I STREET, NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005			1731	

DATE MAILED: 06/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/446,128	SAUER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sean E Vincent	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on \_\_\_\_.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 12-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 12-24 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All   b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because it is in two paragraphs. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 12-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 12 is indefinite because it is directed to a process for “further processing”. It is unclear whether there are other method steps not recited which are required for the invention.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 12-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein et al.

8. Goldstein et al. taught processes of coating glass beads with borosilicate glass coatings including the use of wetting agents (water, ethanol, methocel), additions of metallic and intermetallic particles, production of opaque black coatings, firing in air and spraying the borosilicate and glass beads on flat carrier material including insulating ceramic tiles or fibrous silica structures (see figures, col. 2, line 22 to col. 3, line 15; col. 3, line 32 to col. 7, line 8).

Goldstein et al failed to teach the applicant's claimed temperature and proportion ranges. It would have been obvious to a person skilled in the art at the time the invention was made to use the claimed ranges because the specific process conditions recited are not critical but are merely optimal for the particular material being treated and they would be within the skill of the art to determine, *In re Aller et al.*, 105 U.S.P.Q. 233, 42 C.C.P.A. 824. It is the position of the Examiner that it would not require undue experimentation by a person of ordinary skill in the art at the time the invention was made to find these conditions beneficial.

9. Goldstein et al. failed to teach the use of a "screen printing oil" or a "liquid which contains boric acid and fluorine salts" in the wetting agent. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use "screen printing oil"

because the term is so broad that a mixture containing the wetting agents of Goldstein et al. could effectively be used for screen printing.

10. Goldstein et al. failed to teach color pigments, *per se*. The metallic and intermetallic compounds disclosed by Goldstein et al. are mostly "emittance agents" as defined by Goldstein et al. However, Goldstein et al. provides suggestions that these compounds also cause the black pigmentation of the resulting products of Goldstein et al. The nickel, cobalt and chromium mentioned in col. 5, lines 20-25 are well known in the art to cause coloration of glass materials.

11. Goldstein et al. failed to teach spray coating "thin flat glass or a flexible glass film". It would have been obvious to a person of ordinary skill in the art at the time the invention was made to coat such glass material with the disclosed coating because it would have imparted the superior insulating properties to any surface on which it was applied.

12. Goldstein et al. failed to teach spray coating "a metal surface of a body of a land vehicle, a surface of a ship's hull or an aircraft surface". It would have been obvious to a person of ordinary skill in the art at the time the invention was made to coat such glass material with the disclosed coating because it would have imparted the superior insulating properties to any surface on which it was applied.

13. Goldstein et al. failed to teach molding or firing between panes of insulating glass. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize the glass pastes of Goldstein et al. for any number of known manufacturing processes. It is well known in the art to use frit or enamel pastes in molding, bonding and sealing applications.

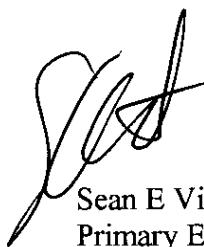
***Conclusion***

14. The prior art made of record and not relied upon is cited to further show the state of the art. References teaching the various uses of glass frit or enamel pastes are provided.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean E Vincent whose telephone number is (571) 272-1194. The examiner can normally be reached on M - F (8:30 - 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sean E Vincent  
Primary Examiner  
Art Unit 1731

S Vincent